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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,935	05/31/2000	Marcos N. Novaes	POU9-2000-0007-US1	5026
46369	7590	09/21/2004	EXAMINER	
HESLIN ROTHENBERG FARLEY & MESITI P.C.			WON, MICHAEL YOUNG	
5 COLUMBIA CIRCLE			ART UNIT	
ALBANY, NY 12203			PAPER NUMBER	

2155

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/584,935	Applicant(s) NOVAES ET AL.	
	Examiner Michael Y Won	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7,9-12,22-24,29,31-34,44-46,48,49,54,56-59 and 69-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7,9-12,22,23,29,31-34,44,45,48,49,54,56-59,69 and 70 is/are allowed.
- 6) ☒ Claim(s) 24,46 and 71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 22, 24, 44, 46, 48, 49, 69, and 71 have been amended and all remaining claims have been re-examined.
2. Claims 7, 9-12, 22-24, 29, 31-34, 44-46, 48, 49, 54, 56-59, and 69-71 are pending with this action.

***Claim Rejections - 35 USC § 112***

3. Prior 35 U.S.C. 112 rejection has been withdrawn.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 24, 46, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Short et al. (US 6178529 B1) in view of Trottier et al. (US 4851988 A).

Art Unit: 2155

As per claims 24, 46, and 71, Short teaches a method, a system, and at least one program storage device readable by a machine tangibly embodying at least one program of instructions executable by the machine to perform a method, of managing identifiers of components of a distributed computing environment (see col.1, lines 11-13 and col.4, lines 36-37), said method comprising: identifying a component of the distributed computing environment (see col.2, lines 51-56) by an original unique identifier (see col.9, lines 53-56) and a local copy of the unique identifier (see col.4, lines 40-42); providing the original unique identifier in response to a cluster event (inherent: see col.4, lines 40-42); and automatically updating (see Fig.3, #70 and col.6, lines 46-50), by a cluster of the distributed computing environment, one or more of the original unique identifier {although Short does not explicitly teach of updating original unique identifier, it is inherent, since Short teaches in col.9, lines 53-56, that "RESID is used... to find the context that describes a particular resource object 63 (e.g., device or software) that it is to control and also teaches of "recognizing" systems or its "credentials"}, to provide consistency among the original unique identifier copy, in response to a cluster event (see col.6, lines 46-65).

Although Short teaches of local unique identifier (see col.9, lines 53-56), he does not explicitly teach of a global unique identifier. Trottier teaches of a global unique identifier (see Fig.2 and col.2, lines 25-48). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Trottier within the system of Short by implementing a global identifier within the

Art Unit: 2155

method, system, and program of managing identifiers in a distributed computing environment because Short teaches that "the invention may also be practiced in a distributed computing environments" (see col.2, lines 51-56) and further teaches of a "global update manager 100 operates to provide global update services that is used by other components within the Cluster Service 70" (see col.6, lines 18-20). Therefore one of ordinary skill in the art would employ the teachings of Trottier into the global update manager, if the system of Short were implemented in a distributed computing environment, because Trottier teaches that the global identifier, representing the global resource, can be used to determine whether the resource is local or remote (see Trottier: col.42, lines 56-61) and still further teaches that "identical copies of the GIL 215 is located on every ICS 203 of system 201" (see col.2, lines 38-40).

***Allowable Subject Matter***

5. The following is an examiner's statement of reasons for allowance:

Claims 7, 9-12, 22, 23, 29, 31-34, 44, 45, 48, 49, 54, 56-59, 69, and 70 are allowable.

With respect to the arguments presented in the Amendment (filed May 3, 2004) and after further search and consideration, prior art of record does not disclose, teach,

Art Unit: 2155

or suggest all the elements claimed and therefore the claims are found allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

6. Applicant's arguments with respect to "obviousness" determination upon the Short and Trottier patents have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claim 22, specifically that Short patent does not teach "storing... the unique identifier in local storage and global storage" and "providing a local unique identifier and global unique identifier" have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that Short et al. (US 6178529 B1) is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443

(Fed. Cir. 1992). In this case, although Short teaches of resource monitoring of disparate resources in a server cluster, he explicitly teaches of automatically updating the database (all information within the database) in response to an event "process of joining or forming a cluster". Short also teaches of determining the identity of any member of the cluster. Therefore, since Short teaches of "RESID" as an identification of "device or software", clearly it is inherent that such identification is also updated in response to an event.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "act of storing by the cluster the unique identifier in global storage results in creation of the global unique identifier") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the applicant's argument regarding automatically updating, clearly Short teaches this limitation (see col.6, lines 49-50) wherein the paragraph discusses of updating the resources.

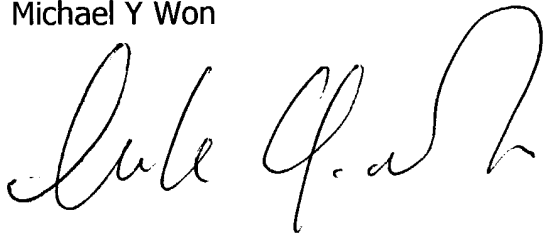
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 6AM-3PM.

Art Unit: 2155

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Y Won



September 9, 2004



HOSAIN ALAM  
ADVISORY PATENT EXAMINER